HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No. 304 of 2004

U.P. State road Transport Corporation

..... Appellant

Versus

Smt. Sanu Devi ..... Respondent

Dated:- 20-8-2004

Hon. Rajesh Tandon J.

Heard Sri Ashish Joshi, Advocate for the appellant.

Present appeal has been filed against the judgment and award dated 18.5.2004, passed by the Motor Accident claims Tribunal, Dehradun in M.A.C. Case No. 262 of 2003.

Briefly stated that the respondent filed a Claim Petition for grant of compensation before the Motor Accident Claims Tribunal, Dehradun, on account of death of Sri Sharvan Kumar on 6.12.1995 at 4.30 PM at Laxman Sidh Mandir, Hardwar Road, Dehradun, in a motor vehicle accident involving Bus No. UGY 8008. The petitioner has alleged that the accident was occurred due to rash and negligent driving by the bus driver.

The Tribunal has held that the accident has not taken place due to rash and negligent driving by the bus driver. However, the Claims Tribunal has awarded a sum of Rs.50,000/- to the claimant under section 140 of the M.V. Act

under no fault scheme along with Rs.2,000/- as funeral expenses.

The accident and involvement of the bus owned by the appellant in the accident has been admitted by the appellant opposite party and as such the owner of the bus is liable to pay statutory compensation of Rs.50,000/- to the claimant under no fault scheme of section 140 M.A.Act. The Claims Tribunal has awarded compensation under no fault scheme and as such the appeal is not maintainable.

I find no infirmity in the award passed by the Claims Tribunal and the appeal is dismissed with costs.

(Rajesh Tandon J.)

20.6.2004

*Dhyani